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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

814  
Amndt  
9/10  
(NE)

IN RE APPLICATION OF:

FISCHHOFF ET AL. : GROUP ART UNIT: 1814

SERIAL NO: 08/434,105 :

FILED: MAY 3, 1995 : EXAMINER: HENDRICKS

FOR: SYNTHETIC PLANT GENES AND  
METHOD FOR PREPARATION

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GROUP 1800

THE PARTY FISCHHOFF ET AL.'S  
37 CFR 1.633(C) (2) (iii)  
AMENDMENT C

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Please amend the above-identified application as follows:

IN THE CLAIMS

Please add the following new claim:

--46. A plant cell comprising a DNA coding sequence produced by:

- (a) selecting a gene:
- (i) derived from a *Bacillus thuringiensis*
  - (ii) which encodes a insecticidal protein having an amino acid sequence;
- (b) preparing a gene encoding the same amino acid sequence as the gene selected in step (a) but which has a structural coding region with:

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

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WASHINGTON, D.C. 20231

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Sir:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.

Additional documents filed herewith:

The Fee has been calculated as shown below.

	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	* 10	MINUS	** 20	=	X \$ 22 =	\$
INDEP	* 9	MINUS	*** 8	= 1	X \$ 80 =	\$ 80.00
	MULTIPLE DEPENDENT CLAIMS				+ \$260 =	\$
						\$80.00
	Reduction by 50% for filing by Small Entity					\$
	Recordation of Assignment				+ \$ 40 =	\$
					TOTAL	\$80.00

 A check in the amount of \$ \_\_\_\_\_ is attached. Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed. If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.RECEIVED  
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1997

OBLON, SPIVAK, McCLELLAND,  
MAYER & MEUSTADT, P.C.  
  
Charles L. Ghosh  
Attorney of Record  
Registration No. 26,395

ATTORNEY  
PATENT APPEALS  
REFERRAL SERVICES

Attorney

Registration No.

Fourth Floor  
1755 Jefferson Davis Highway  
Arlington, Virginia  
(703) 413-3000

Fax No. (703) 413-2220

\*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.

\*\*If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.

\*\*\*If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.  
(OSMMN 10/95)